

TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

**Agenda
March 26, 2013
1:30 pm**

1. Approval of Minutes for February 26, 2013 Commission Meeting

2. RETAIL

A. NEW BUSINESS

**1. TENN SOUTH DISTILLERY, LLC
LYNNVILLE, TENNESSEE (GILES COUNTY)**

Applicant: Tenn South Distillery, LLC
Member(s): James Blair Butler
Clayton R. Cutler

Before the Commission is a request for a new retail store located at 1800 Abernathy Road, Lynnville, Tennessee. The co-owners, James Blair Butler and Clayton R. Cutler will be investing an adequate sum of monies to operate the store based on a business loan obtained through First Farmers and Merchants Bank as verified by the TABC staff. James Blair Butler owns the property where Tenn South Distillery will be located. Clayton R. Cutler/Tenn South Distillery, LLC will be leasing the property from James Blair Butler for an initial period of three years at an Annual rate of \$24,000. The lease provides for a renewal of one extended term of one year at an annual rate of \$30,000. All documentation and agency requirements have been submitted with the exception of the **\$850.00 license fee**. The TABC staff recommends approval of this application upon receipt of license fee.

**2. JAI PRABHU LIQUOR, INC.
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: JAI Prabhu Liquor, Inc.
d/b/a Discount Liquor
Stockholder(s): Piyush J. Desai
Rameshbhai B. Patel
Bharatbhai B. Patel

Before the Commission is a request for a new retail store located at 2181 Nolensville Road, Suite 202A, Tennessee. Each of the three stockholders, Piyush Desai, Rameshbhai Patel, and Bharatbhai Patel will be investing an adequate sum of monies to operate the store based on personal funds as verified by the TABC staff. The LLC will be leasing the property from Emeco Properties, LLC for an initial period of three years at an annual rate of \$12,000. The lease provides for a renewal of two three year additional terms at the same annual rate. All documentation and agency requirements have been submitted with the exception of the **\$850.00 license fee**. The TABC staff recommends approval of this application upon receipt of license fee.

**3. H & H SPIRITS, INC.
MEMPHIS, TENNESSEE (SHELBY COUNTY)**

**Applicant: H & H SPIRITS, INC.
d/b/a Crown Liquor**
**Stockholder(s): David Harlow
William Harlow**

Before the Commission is the request for a transfer of ownership of H & H Spirits, Inc. d/b/a Crown Liquor located at 2530 N. Watkins, Memphis, Tennessee. David Harlow and William Harlow wish to purchase the business for an agreed upon purchase price with Robi, Inc./William & Pamela Klibanoff. David Harlow and William Harlow will each own 50% of the stock. Financing is based upon existing personal funds and a home equity line of credit with Iberia Bank as verified by the TABC staff. H & H Spirits, Inc. will be leasing the property from Strong Family Trust at an annual rate of \$11,400.00 for a period of one year commencing February 1, 2013, with an option to renew for an additional term of 48 months at an annual rate of \$12,000.00. All documentation has been submitted, the TABC staff recommends approval of this application.

**4. LIQUORS, INC.
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Liquors, Inc.
Stockholder(s): Jane B. Eakes

Before the Commission is a request for change in ownership of the retail store located at 15565 Old Hickory Blvd, in Nashville, Tennessee. The licensee, Mr. Luther H. Eakes

passed away on September 20, 2012 leaving a written will, in which Jane Baldwin Eakes has been appointed Executrix. Jane B. Eakes now wishes to hold the license with herself as the sole stockholder. The applicant will be leasing the property from HJL, L.P. d/b/a HJL Management for a period of 1 year at \$5909.82/month. All documentation has been provided; the TABC staff recommends approval of this application.

**5. TLM, INC.
MADISONVILLE, TENNESSEE (MONROE COUNTY)**

Applicant: TLM Inc.
d/b/a Sunset Wine & Spirits
Stockholder(s): Timothy Lynn Maxwell
Angelia Long
Proposed Stockholder(s): Timothy Lynn Maxwell

Before the Commission is a request for change in ownership of the retail store located at 4435 Highway 411, in Madisonville, Tennessee. Timothy Maxwell has 49% of stock in TLM, Inc. and his sister, Angelia Long has 51% of TLM, Inc. Mr. Maxwell bought his sister, Angelia's 51% of stock effective February 1, 2013. This transaction made Mr. Tim Maxwell 100% owner in TLM, Inc. d/b/a Sunset Wine & Spirits. All documentation has been provided, the TABC staff recommends approval of this application upon receipt of a citation to be issued for transferring ownership without prior Commission approval.

Mr. Timothy L. Maxwell is also requesting to store alcohol in a storage POD behind Sunset Wine & Spirits. This POD will be secured by the same ADT security system he has in his liquor store. Timothy Maxwell is the owner of the property, and leases his property to TLM, Inc. If this request is not approved by the Commission, the applicant would like to know if there is anything he can do to make this POD acceptable for storage. The TABC staff does NOT recommend approval of the request to store alcohol in a POD.

**6. BHAIKAVDADA, LLC
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: Bhairavdada, LLC
d/b/a Mr. Liquors
Member(s): Alpeshkumar Patel
Komal Patel

Before the Commission is a request for transfer in ownership of the retail store located at 2815 Smith Springs Road, in Nashville, Tennessee. Alpeshkum Patel and Komal Patel, husband and wife, will be investing an adequate sum of monies to operate the store based on personal funds as verified by the TABC staff. Mr. & Mrs. Patel will each own 50% of the LLC after this transfer commences. Mr. & Mrs. Patel will be leasing the property from Pleming Shopping Centers, LLC at an annual rate of \$35,400.00 for 1 year with a renewal option of 4 lease periods of 5 years with an increase of 3% each year. All documentation has been provided with the exception of the **\$850.00 license fee**, the TABC staff recommends approval of this application upon receipt of the license fee.

B. OLD BUSINESS

**1. HARPETH LIQUORS
FRANKLIN, TENNESSEE (WILLIAMSON COUNTY)**

Licensee: Harpeth Liquors Inc.
Stockholders: Satish Patel

Before the Commission on November 26, 2012 was a request for a transfer of location for the retail store currently located at 1203 Murfreesboro Road, Suite 405, Franklin, Tennessee to 1203 Murfreesboro Road, Suite 503, Franklin, Tennessee. Mr. Patel requested to move to 1203 Murfreesboro Road, Suite 503, Franklin, Tennessee based upon the new Kroger Store taking their old space. Harpeth Liquors, Inc. will be leasing the new space from Cooke & Cooke Properties under the same terms of their previous lease which states: monthly based rent of \$6246.00/mo for a period of two years beginning August 1, 2012. All documentation has been submitted with the exception of the following:

- a. Certificate of Occupancy;
- b. TABC Inspection;
- c. Acknowledgment of TABC Rules & Regulations;

The transfer was granted by the Commissioners on 11/26/12. Per TABC Rule 0100-03-.18, the transfer must be completed within 90 days. The 90 days expired 2/24/13, an additional 30 days was requested on 2/20/13 which will expire on 3/26/13, approved by Interim Director Bell. Mr. Patel is now requesting from the Commission an additional 30 day extension; if granted, the extension will expire April 26, 2013.

3. WINERIES
 4. WHOLESALERS
 5. DISTILLERY
- A. OLD BUSINESS

**SPEAKEASY SPIRITS LLC
NASHVILLE, TENNESSEE (DAVIDSON COUNTY)**

Applicant: SPEAKEASY SPIRITS – cont. from Feb. 26, 2013

**Members: Jeff Pennington
Jenny Pennington
Laurie Pennington
Frank Walton
Sharon DeBolt
Cream Share, LLC
Nancy Inman**

**Proposed Additional Members: Michael Collins
Karen Collins
James Murphy, Jr.
Elizabeth Schenk
Lisa Renneke
James Weathers
Michael Kuzma
Gail Kuzma
James Murphy, Sr.
Elizabeth Murphy
Jennifer Khazanov**

Before the Commission is a request for additional members to be approved as part of Speakeasy Spirits, LLC located at 900 44th Avenue North, Suite 101, Nashville, Tennessee. This matter was originally set for the January 22, 2013 commission meeting and was continued to the February 26, 2013 meeting due to lack of required documentation and other concerns. At the February 26, 2013 commission meeting this matter was continued to the March 26, 2013 commission meeting. The applicant submitted the additional documentation requested by the March 15th deadline. The existing members are Jeff Pennington and Jenny Pennington, husband and wife with 41.1532% interest; Laurie Pennington with 3.8584% interest; Frank Walton and Sharon DeBolt, husband and wife with 10.89% interest; Cream Share, LLC with 6.7560% interest; Nancy Inman with 1.1024% interest. The original application included Mr.

Race Paquette who has since been removed due to conflicting interest. With approval of the commission the additional members will obtain the following: Michael Collins and Karen Collins, husband and wife, will invest \$142,000.00 for 11.3600% interest; James Murphy, Jr. will invest \$115,000.00 for 9.5000% interest; Elizabeth Schenk will invest \$5,000.00 for 0.5000% interest; Lisa Renneke will invest \$50,000.00 for 4.000% interest; James Weathers will invest \$50,000.00 for 4.000% interest; Michael and Gail Kuzma, husband and wife, will invest \$25,000.00 for 2.0000% interest; James Murphy, Sr. and Elizabeth Murphy, husband and wife, will invest \$25,000.00 for 2.0000% interest; and Jennifer Khazanov will invest \$36,000.00 for 2.8800% interest. All documentation has been received.

6. PRIVATE CLUB

A. UPPER NORRIS CONSERVATION CLUB

**134 Brooklyn Street
Cumberland Gap, TN 37724**

Applicant: Upper Norris Conservation Club
Owner(s): Brian DeBusk, President
Sam Mars, Jr., Secretary
Sam Mars, III, Vice President
Jerry Burnette, Board of Directors
Richard Gillespie, Board of Directors
James Jordan, Board of Directors
James J. Shoffner, Board of Directors

Before the Commission is a request of the Private Club, **Upper Norris Conservation Club**, located at 134 Brooklyn Street, Cumberland Gap, Tennessee 37724 for an **On Premise Permit** to sell alcoholic beverages pursuant to T.C.A. §57-4-102(8). This organization is a non-profit association existing under the laws of the State of Tennessee for at least two (2) years prior to this application. The organization has one hundred four (104) residential members, which exceeds the statutory requirement of at least one hundred (100) members. The organization is operated exclusively for pleasure, recreation and other non-profit purposes of its members and no part of the net earnings inures to the benefit of any shareholder or member. The organization has adequate space for the reasonable use of its members with a suitable kitchen and dining room and with sufficient employees for cooking, preparing and serving meals

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for its members and guests. No member, officer, agent or employee of this Private Club is paid directly, indirectly nor do any of the aforementioned parties directly or indirectly receive in the form of salary or other compensation, any profits from the sale of spirituous liquors, champagnes or malt beverages beyond the amount of such salary as may be fixed by the members at an annual meeting or by its governing body out of the general revenue of the club. The applicant had previous license that expired 5/3/12 located at 336 Brooklyn Street, Cumberland Gap, TN, They moved their location to 134 Brooklyn Street, Cumberland Gap, TN due to the sale of the building in which the Upper Norris Conservation Club was located. The previous permit prior to expiration was on temporary void since they had to move from their previous location 4/3/12. All documentation has been provided with the exception of the following:

- a. Liquor Price Schedule
- b. \$500.00 License Fee
- c. Payment of Citation, RI 13-0171

The TABC staff recommends approval of this application upon receipt of the missing documentation and payment of the citation.

7. BUDGET

8. PENDING MATTERS LIST

- A. Commission Meeting Dates for the 2013 calendar year**
- B. Review and ratification of pending proposed TABC rules**

9. PERSONNEL

Discussion, consideration and appointment of TABC Executive Director

10. MISCELLANEOUS

- A. Monthly Summary of TABC Activity**
- B. Progress of the Prototype for the new TABC application**

11. DATE OF NEXT MEETING